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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/752,365

Filing Date: December 29, 2000

Appellant(s): WEINSTEIN ET AL.

Lee Weinstein
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 5/9/05 appealing from the Office

action mailed 9/8/04

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is deficient. 37 CFR 41.37(c)(1)(v) requires the summary of claimed subject matter to include: (1) a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number, and to the drawing, if any, by reference characters and (2) for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function as permitted by 35 U.S.C. 112, sixth paragraph, must be identified and the structure, material, or acts described in the specification as corresponding to each claimed function must be set forth with reference to the specification by page and line number, and to the drawing, if any, by reference characters.

The brief is deficient because there are seven independent claims (i.e. claims 1, 49, 50, 51, 67, 71 and 77) and appellant's statement skips independent claims 49 and 77. Claim 49 is substantially covered by Appellants explanation for independent claim 50 on page 2. Claim 77 is not supported in Appellants specification and is generally

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directed towards providing a list of service providers for user selection, placing user in queue and receive a bid to compare with other bids and if bid is higher then user is placed higher in queue.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,818,836	DuVal	10-1998
5,907,677	Glenn et al	5-1999
5,937,039	Cho	8-1999
6,519,570	Faber et al	2-2003
6,549,889	Lauffer	4-2003
6,665,389	Haste, III	12-2003

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the

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art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

1. Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The Examiner has preformed a text search of Applicant's specification and cannot find support for the newly added terms of "allowed callers from whom customers are willing to receive calls".
2. Claim 15 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The Examiner has preformed a text search of Applicant's specification and cannot find support for the newly added terms of "timing telephone connection time".
3. Claim 51 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The Examiner has preformed a text search of

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Applicant's specification and cannot find support for the newly added terms of "specifying a call-initiating party". The Examiner has preformed a text search of Applicant's specification and cannot find support for the newly added terms of "specifying a call-receiving party". The Examiner has preformed a text search of Applicant's specification and cannot find support for the newly added terms of "verify that call time is within". The Examiner has preformed a text search of Applicant's specification and cannot find support for the newly added terms of "checking with a database to verify that said call-initiating party is specified as an allowed caller by said call-receiving party". The Examiner performed text search of "allowed caller" and no results were found.

4. Claim 76 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The Examiner is unable to determine from the originally filed specification as to how one of ordinary skill in the art would be able to make and use the invention. The specification provides no basis for the claimed subject matter. Specifically, as by way of example, claim 76 generally recites providing list of service providers for user selection. The system then places user in queue. Next, a bid is received and compared with other bids and if bid is higher then user placed higher in queue. The Examiner is unable to

find any support in Applicant's specification that enables user to select service provider let alone using queue.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claim 76 (should read as claim 77 see 112 rejection listed above) is rejected under 35 U.S.C. 102(e) as being anticipated by Faber et al (6,519,570 hereinafter Faber). The following rejection is being made for what is best understood by the Examiner due to numerous 112 rejections listed above.

Regarding claim 76. Faber teaches a system for establishing a real-time communications connection between a user and a selected information service provider for a live, real-time conversation, the system comprising (col. 8 lines 40-44):

a communication interface (col. 8 line 45); and

a controller ... (col. 8 line 46-47) having:

a first logic ... (col. 8 lines 48-50);

a second logic ... (col. 8 lines 51-58);

a third logic ... (col. 8 lines 59-60);

a forth logic ... (col. 8 lines 61-67);

a fifth logic ... (col. 9 lines 1-4);

a sixth logic ... (col. 9 lines 5-11).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 7, 9-11, 13, 15, 22-23, 25, 27, 29-38, 40-44, 48, 51, 53-54, 59-61, 63, 66-68 and 71-75 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glenn et al (5,907,677 hereinafter Glenn) in view of DuVal (5,818,836) and Haste, III (6,665,389 hereinafter Haste) further in view of Cho (5,937,039).

Regarding claims 1, 22, 25, 29-38, 40-44, 51, 67-68, 71-73 and 75. Glenn teaches a method for establishing anonymous communication links for Internet users who are communicating over a Chat server, as well as other on-line services (col. 2 line 65 – col. 3 line 30). Glenn teaches subscribers access Chat page to obtain telephone number to establish anonymous voice connection without exchanging telephone numbers (col. 3 lines 62-66).

According to Applicant's, Glenn does not teach the use of the website to initiate calls (see paper number 6, Amendment "A", dated 6/27/03, page 2 lines 4-7).

DuVal teaches method and apparatus for anonymous voice communication using an online data service (abstract). DuVal modifies the Chat page (figure 4) to include window (see pull down window 74 figure 4) or icons (see icons 108 and 86 figure 4) to be selected by subscribers for anonymous voice call. DuVal discloses although two parties are shown in figures, it is to be understood that numerous parties may be connected to the system (col. 5 lines 13-16). DuVal discloses the system may call the parties or one of the parties may call the system to set up the anonymous voice communication (col. 9 line 66 – col. 10 line 8, col. 11 lines 9-22). DuVal discloses that 800, 900, or local number may be used for a carrier or non-carrier based service (col. 12 lines 3-13). DuVal discloses the parties must agree, without revealing their identity, upon a time to call (col. 11 line 55 – col. 12 line 13). DuVal discloses billing functions including using credit cards and checking account (col. 13 line 62 – col. 14 line 11). DuVal discloses using greetings which allow the receiving party to accept or reject the call (col. 16 lines 1-16) as well as offering other party pays option (col. 16 line 16-65). DuVal discloses that either party can initiate an anonymous voice connection (col. 16 line 65). DuVal discloses parties currently involved with public or private chat can simply click on icon (see 86 or 108 figure 4) or select menu (see 76 figure 4) for anonymous voice connection. DuVal discloses the possibility for scheduling an anonymous voice call (col. 19 lines 11-41). DuVal discloses a distribution implementation to establish anonymous voice connection for parties located in different

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cities (col. 19 line 52 – col. 20 line 40) wherein the closest node is selected to connect the requesting party to a remote party (col. 20 lines 55-65).

According to Applicant's, Glenn fails to use database comprising times when customers have specified they are willing to receive calls (see paper number 6, Amendment "A", dated 6/27/03, page 1, the prior art uncovered by Examiner section).

Haste improves on prior art by allowing subscribers to select a series of times he or she wants associated to telephone numbers (col. 1 lines 63-65). In other words, Haste allows for multiple telephone numbers to be listed with specified times of day during which the subscriber can be reached at those numbers (col. 2 lines 63-67, col. 3 lines 6-34). Haste also allows profile to be set up by users that only allows certain "callers" meeting user selected profile (see figure 1B "Allow contact from members who fit my profile only:").

Applicant's further amend and argue that Glen in view of Haste fail to teach communicating the dialing limitations back to the caller (see paper number 8, Amendment "B", dated 6/17/2004, page 1 last paragraph).

Cho allows subscribers to choose in advance an absent message representing his absent reason which is then transmitted to the caller's who are attempting to call the subscriber (abstract, col. 1 lines 19-22, col. 3 lines 48-51, col. 4 lines 63-65, col. 5 lines 46-51, col. 7 lines 40-47). Cho is very clear in that the present invention has the advantage that the caller can be advised of the absent reason of the called-up party and the proper time for calling up again (col. 9 lines 14-17).

Therefore, it would have been obvious for any one of ordinary skill in the art at the time of the invention to modify the on-line Chat page as taught Glenn in view of DuVal and Haste to incorporate absent message as taught by Cho for the benefit of expanding user profiles to incorporate an absent reason and proper time to call thereby enabling the caller to know when to call back and the reason the called party is not taking telephony calls.

Regarding newly amended claim 7. Glenn fails to teach allowed time criteria are separately definable for different allowed callers.

Haste further shows user selectable profiles include: "Hide your profile from this member and disallow further contact:", "Allow Phone Calls from this member:", "Keep my ad hidden from the following email addresses or members:", "Keep my ad hidden from everyone BUT the following email addresses or members:" (see figure 1B).

It would have been obvious for any one of ordinary skill in the art at the time of invention to modify the on-line Chat page as taught by Glenn in view of Duval to first establish user profiles as taught by Haste for the benefit of establishing and selecting what profiles to be employed during anonymous communication.

Regarding claims 9-11, 27 and 59-61. Glenn teaches defining group (col. 4 lines 6-7).

Regarding claims 13 and 63. According to Applicant's, Glenn does not teach the use of the website to initiate calls (see paper number 6, Amendment "A", dated 6/27/03, page 2 lines 4-7).

DuVal teaches method and apparatus for anonymous voice communication using an online data service (abstract). DuVal modifies the Chat page (figure 4) to include window (see pull down window 74 figure 4) or icons (see icons 108 and 86 figure 4) to be selected by subscribers for anonymous voice call. DuVal discloses although two parties are shown in figures, it is to be understood that numerous parties may be connected to the system (col. 5 lines 13-16). DuVal discloses the system may call the parties or one of the parties may call the system to set up the anonymous voice communication (col. 9 line 66 – col. 10 line 8, col. 11 lines 9-22). DuVal discloses that 800, 900, or local number may be used for a carrier or non-carrier based service (col. 12 lines 3-13). DuVal discloses the parties must agree, without revealing their identity, upon a time to call (col. 11 line 55 – col. 12 line 13). DuVal discloses billing functions including using credit cards and checking account (col. 13 line 62 – col. 14 line 11). DuVal discloses using greetings which allow the receiving party to accept or reject the call (col. 16 lines 1-16) as well as offering other party pays option (col. 16 line 16-65). DuVal discloses that either party can initiate an anonymous voice connection (col. 16 line 65). DuVal discloses parties currently involved with public or private chat can simply click on icon (see 86 or 108 figure 4) or select menu (see 76 figure 4) for anonymous voice connection. DuVal discloses the possibility for scheduling an

anonymous voice call (col. 19 lines 11-41). DuVal discloses a distribution implementation to establish anonymous voice connection for parties located in different cities (col. 19 line 52 – col. 20 line 40) wherein the closest node is selected to connect the requesting party to a remote party (col. 20 lines 55-65).

Haste improves on prior art by allowing subscribers to select a series of times he or she wants associated to telephone numbers (col. 1 lines 63-65). In other words, Haste allows for multiple telephone numbers to be listed with specified times of day during which the subscriber can be reached at those numbers (col. 2 lines 63-67, col. 3 lines 6-34).

Therefore, it would have been obvious for any one of ordinary skill in the art at the time of the invention to modify the on-line Chat page as taught Glenn in view of DuVal to store plurality of numbers with specified times as taught by Haste for the benefit of routing calls to work between the times of 8 a.m. and 6 p.m. and then route calls to cell phone from 6 p.m. to 7:30 p.m. and use home phone from 7:30 p.m. to midnight as taught by Haste.

Regarding claims 15 and 66. Glenn teaches billing for anonymous voice connection by using credit card, Cybercash, or other form (column 4). DuVal also teaches one party may pay the charges associated with the other party (column 16)

Regarding claims 23, 48, and 74. DuVal shows information relating to last contact (see figure 5 “COUPLE RECORD”, and “MESSAGE RECORD”).

Regarding claim 53. DuVal shows conferencing done external to a telephone company (see #14 figures 1-3).

Regarding claim 54. DuVal shows digital signal used (see #68 figures 1-3).

7. Claims 8, 46-47 and 49-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glenn et al (5,907,677 hereinafter Glenn) in view of DuVal (5,818,836), Haste, III (6,665,389 hereinafter Haste) and Cho (5,937,039) further in view of Lauffer (6,549,889).

Regarding claim 8. Glenn in view of DuVal, Haste and Cho fail to show using allowed contact time.

Lauffer teaches facilitating and delivery of advice to consumers using a server for rapidly assisting in connecting an expert and consumer for real-time communications (abstract). Lauffer server has ability to respond to a consumer's selection of expert by sending the consumer conveyance through means to contact experts that include but are not limited to telephone, Internet telephony, email, audio, and/or video (column 6). Lauffer using time-to-connect and expert compensation rate, time availability, etc (col. 5 lines 1-2, lines 15-16, lines 40-67, col. 6 lines 56-67). Lauffer even discloses that in another embodiment, a special symbol/notation is displayed next to or as part of an experts symbol if he has been certified by selected companies or organizations wherein the symbol/notation can optionally expire, disappear, or change its characteristics (color, etc) after a certain length of time so that the expert is forced to take tests to

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maintain certification (column 7). Lauffer even discloses displaying plurality of experts with varying compensation rates (column 7).

It would have been obvious for any one of ordinary skill in the art at the time of invention to modify the invention as taught by Glenn in view of DuVal, Haste and Cho to modify web page to include expert advice as taught by Lauffer for the benefit of providing subscribers with a list of experts, the time availability of the expert, and the compensation rate for consumer advice with expert as taught by Lauffer.

Regarding claims 46-47 and 49-50. Glenn in view of DuVal, Haste and Cho fail to show charging for professional service.

DuVal teaches method and apparatus for anonymous voice communication using an online data service (abstract). DuVal modifies the Chat page (figure 4) to include window (see pull down window 74 figure 4) or icons (see icons 108 and 86 figure 4) to be selected by subscribers for anonymous voice call. DuVal discloses although two parties are shown in figures, it is to be understood that numerous parties may be connected to the system (col. 5 lines 13-16). DuVal discloses the system may call the parties or one of the parties may call the system to set up the anonymous voice communication (col. 9 line 66 – col. 10 line 8, col. 11 lines 9-22). DuVal discloses that 800, 900, or local number may be used for a carrier or non-carrier based service (col. 12 lines 3-13). DuVal discloses the parties must agree, without revealing their identity, upon a time to call (col. 11 line 55 – col. 12 line 13). DuVal discloses billing functions including using credit cards and checking account (col. 13 line 62 – col. 14 line 11).

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DuVal discloses using greetings which allow the receiving party to accept or reject the call (col. 16 lines 1-16) as well as offering other party pays option (col. 16 line 16-65).

DuVal discloses that either party can initiate an anonymous voice connection (col. 16 line 65). DuVal discloses parties currently involved with public or private chat can simply click on icon (see 86 or 108 figure 4) or select menu (see 76 figure 4) for anonymous voice connection. DuVal discloses the possibility for scheduling an anonymous voice call (col. 19 lines 11-41). DuVal discloses a distribution implementation to establish anonymous voice connection for parties located in different cities (col. 19 line 52 – col. 20 line 40) wherein the closest node is selected to connect the requesting party to a remote party (col. 20 lines 55-65).

Haste improves on prior art by allowing subscribers to select a series of times he or she wants associated to telephone numbers (col. 1 lines 63-65). In other words, Haste allows for multiple telephone numbers to be listed with specified times of day during which the subscriber can be reached at those numbers (col. 2 lines 63-67, col. 3 lines 6-34).

Lauffer teaches facilitating and delivery of advice to consumers using a server for rapidly assisting in connecting an expert and consumer for real-time communications (abstract). Lauffer server has ability to respond to a consumer's selection of expert by sending the consumer conveyance through means to contact experts that include but are not limited to telephone, Internet telephony, email, audio, and/or video (column 6). Lauffer using time-to-connect and expert compensation rate, time availability, etc (col. 5 lines 1-2, lines 15-16, lines 40-67, col. 6 lines 56-67). Lauffer even discloses that in

another embodiment, a special symbol/notation is displayed next to or as part of an experts symbol if he has been certified by selected companies or organizations wherein the symbol/notation can optionally expire, disappear, or change its characteristics (color, etc) after a certain length of time so that the expert is forced to take tests to maintain certification (column 7). Lauffer even discloses displaying plurality of experts with varying compensation rates (column 7).

It would have been obvious for any one of ordinary skill in the art at the time of invention to modify the invention as taught by Glenn in view of DuVal, Haste and Cho to modify web page to include expert advice as taught by Lauffer for the benefit of providing subscribers with a list of experts, the time availability of the expert, and the compensation rate for consumer advice with expert as taught by Lauffer.

(10) Response to Argument

(I) Appellant argues that support for 35 U.S.C. 112, first paragraph rejection of claim 1 can be found in the “Call-enabling table 834 in central customer database 816 in figure 8” (see first paragraph in “Arguments” section on page 4). The Examiner notes that item 834 is not a “Call-enabling table”. See Appellant’s specification page 27, lines 3-4, filed 6/2/2001 wherein item 834 is “Outgoing Call Blocking Table” which is the complete opposite of “allowed callers from whom customers are willing to receive calls” appearing in independent claim 1.

Next, Appellant argues that support for 35 U.S.C. 112, first paragraph rejection of claim 1 can be found on Appellant’s specification page 61 (see first paragraph in

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“Arguments” section on page 4). The Examiner notes that page 61 does not exist. The Examiner notes that Appellant’s specification filed 6/2/2001 only has a total of 47 pages.

Next, Appellant argues that it would have been an inherent measure for one of ordinary skill in the art to read allowed contact time window to mean allowed callers (see first paragraph in “Arguments” section on page 4). The Examiner disagrees because one of ordinary skill in the art would not inherently interpret specifications so broadly. The burden is not on the Examiner to “inherently” interpret Applicants specification. Instead, it is the Appellant’s burden to point to the specification for support.

(II) Appellant argues that support for 35 U.S.C. 112, first paragraph rejection of claim 15 can be found in figure 8 item 836 (see second paragraph in “Arguments” section on page 4). The Examiner notes that item 836 can only be found on page 26 line 18 “Real-Time Clock” (see Appellant’s specification page 26, line 18, filed 6/2/2001). The Appellant’s specification never mentions “timing telephone connection time”.

Next, Appellant points to page 36 of Appellant’s specification for support of “how timing software actuates SS7 interface 823 to ‘tear down’ or disconnect any call in progress when the account balance hits zero” (see second paragraph in “Arguments” section on page 4). The Examiner notes that claim 15 has nothing to do with an account balance and page 36, last paragraph of Appellant’s specification generally allows experts to charge for their expert advise which appears to support independent

claim 49 and claim 15 appears to be directed at splitting or sharing the bill between the parties involved in the conference call.

Next, Appellant again argue that it would have been an inherent measure for one of ordinary skill in the art to use inherency instead of evidence supported by Appellant's specification (see second paragraph in "Arguments" section on page 4). The Examiner disagrees because one of ordinary skill in the art would not inherently interpret specifications so broadly. The burden is not on the Examiner to "inherently" interpret Applicants specification. Instead, it is the Appellant's burden to point to the specification for support.

(III) Appellant continues to argue inherency for supporting claim 51 (see middle paragraph on page 5).

The Examiner disagrees (please see sections I and II listed directly above regarding "inherency").

(IV) Appellant skips sections 4-6 of Examiner's rejection made Final on 9/8/2004 which deal with Appellants attempt to create an interference with U.S. patent 6,519,570 (see paper dated 6/2/2004 page 2, fourth paragraph wherein Appellant's admit the attempt to establish interference).

(V) Appellant generally argues the combination of prior art (see bottom of page 5).

First, the Examiner notes that Appellant has already acknowledged that prior art teaches establishing of anonymous telephone communication but is silent with respect to using the website to initiate calls. See paper dated 6/27/2003 wherein Appellants not

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only concede to Examiner's Rejection but offer other patents (see last line of page 1, paper dated 6/27/2003 continuing to top of page 2) that read on Appellant's general claim language. Next, Appellants have amended even further to over come Glenn in view of Duval (see paper dated 6/2/2004) by inserting claim language that is not supported in Appellants specification. Appellants have already acknowledged that the only limitation mission from Glenn in view of DuVal and Haste is communicate dialling limitations back to the caller (see last paragraph page 1, paper dated 6/2/2004). The Examiner notes that Glenn in view of DuVal and Haste all teach anonymous voice communications but lack informing the calling party when to call back. However, Cho allows subscribers to choose in advance an absent message representing his absent reason which is then transmitted to the caller's who are attempting to call the subscriber (abstract, col. 1 lines 19-22, col. 3 lines 48-51, col. 4 lines 63-65, col. 5 lines 46-51, col. 7 lines 40-47). Cho is very clear in that the present invention has the advantage that the caller can be advised of the absent reason of the called-up party and the proper time for calling up again (col. 9 lines 14-17). Therefore, it would have been obvious for any one of ordinary skill in the art at the time of the invention to modify the on-line Chat page as taught Glenn in view of DuVal and Haste to incorporate absent message as taught by Cho for the benefit of expanding user profiles to incorporate an absent reason and proper time to call thereby enabling the caller to know when to call back and the reason the called party is not taking telephony calls.

(VI) Appellant argues (see top page 6) the combination of prior art for claims 8, 46-47, and 49-50.

The Examiner notes that Appellant has already admitted the combination in earlier communications. Appellants have acknowledged the combination (see paper dated 6/27/3003 page 2, second to last paragraph wherein Appellants state "Regarding item 4, we agree with the Examiner's observation that the prior art cited, in combination, teaches time limited anonymous conference calls and prepaid anonymous conference calls". The Examiner notes that item 4 included a rejection for dependent claim 8. Next, it is noted that claims 46-47 and 49-50 have nothing to do with anonymous conference calls. Instead, claims 26-47 and 49-50 are generally directed towards charging for professional service, which is met by the Lauffer reference (please see Examiner's rejection made Final, 9/8/2004 listed above in section 8). Furthermore, Lauffer figure 1.b, right side clearly shows consumers paying money for Expert advice.

(VII) Appellant argues that independent claim 71 was never addressed in Examiner's previous office Actions (see second paragraph on page 6 of Arguments section).

The Examiner again notes that Appellants have already conceded that prior art combination teach flexible billing (called party, calling party, or split), settable on a per-call basis, and future scheduling of automatically placed multiple outbound calls (please see paper dated 6/27/2003, page 2, third to last paragraph). The Examiner notes that it was previously unclear to the Examiner as to whether or not the claim language directed towards automatically making conference outbound calls at times scheduled in advance (now dependent claim 72) was what Appellant's considered their invention to be (i.e. previously independent claim 71). The Examiner does not understand why Appellants are trying to claim known admitted prior art? The Examiner notes that independent

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claim 71 appears to be directed towards conference calls that select service providers based on rate. The Examiner notes that DuVal (figure 8, column 20 lines 35-40) selects the closest nodes (14A and 14B in figure 8) to be used to conference party A and party B living in different cities. The Examiner notes that selecting the closest nodes based upon rate would have been an obvious measure to one of ordinary skill in the art at the time of invention because selecting a node that is not close to party A or party B would only lead to high prices being paid because other long distance connection would be required thereby increasing billing rate. In fact, DuVal reveals that by selecting the closest nodes serving parties A and B reduces the number of long distance connections (column 1 lines 60-65 and column 19 lines 52-56).

(VIII) Appellant argues that independent claim 67 was never addressed by Examiner (see third paragraph on page 6 of Arguments section).

The Examiner feels that claim 67 is covered by Glenn (6,907,677) in view of DuVal (5,818,836) because DuVal (figure 8, column 20 lines 35-40) selects the closest nodes (14A and 14B in figure 8) to be used to conference party A and party B, which live in different cities. Therefore, party A lives in Canada and party B lives in the United States would meet “international call” and realizing that DuVal selects closest nodes to be used would lead to anonymous voice call at reduced cost (column 1 lines 60-65 and column 19 lines 52-56).

(IX) Appellants start repeating the argument that prior art fails to teach “one-click” internet-initiated call dialing (see last two paragraphs on page 6 of Arguments section).

The Examiner has already addressed this issue (see section (V) listed above).

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For the above reasons, it is believed that the rejection should be sustained.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Barry Taylor

Patent Examiner


BARRY TAYLOR
PRIMARY EXAMINER

March 13, 2006

Conferees:


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